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## **FACSIMILE COVER SHEET**

MAY 10 2005

**Deliver to: Laura M. Schillinger, USPTO**

Art Group: 2813

Facsimile No.: 703.872.9306

Date: May 10, 2005.

From: Thinh V. Nguyen, Reg. No. 42,034

Our Docket No.: 42P11362D

Number of pages 6 including this sheet.

Application No.: 10/774,166

Filing Date: 2/6/2004

Docket Due Date(s): 5/28/2005

**Enclosed are the following documents:**

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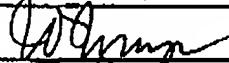
Tu T. Nguyen 11/10/2005 5/10/2005

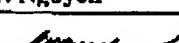
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<b>TRANSMITTAL FORM</b> <i>(to be used for all correspondence after initial filing)</i>		Application No.	10/774,166
		Filing Date	February 6, 2004
		First Named Inventor	Brian S. Doyle
		Art Unit	2813
		Examiner Name	Laura M. Schillinger
Total Number of Pages in This Submission	5	Attorney Docket Number	42P11362D

<b>ENCLOSURES (check all that apply)</b>		
<input checked="" type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached  <input checked="" type="checkbox"/> Amendment / Response <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s)  <input type="checkbox"/> Extension of Time Request  <input type="checkbox"/> Express Abandonment Request  <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> PTO/SB/08  <input type="checkbox"/> Certified Copy of Priority Document(s)  <input type="checkbox"/> Response to Missing Parts/ Incomplete Application <input type="checkbox"/> Basic Filing Fee <input type="checkbox"/> Declaration/POA  <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s)	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input type="checkbox"/> Other Enclosure(s) (please identify below):  <div style="border: 1px solid black; height: 40px; width: 100%;"></div>
Remarks <div style="border: 1px solid black; height: 40px; width: 100%;"></div>		

<b>SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT</b>	
Firm or Individual name	Thinh V. Nguyen, Reg. No. 42,034  BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP
Signature	
Date	May 10, 2005

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Signature		Date	May 10, 2005

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SEND TO: Commissioner for Patents, P O Box 1450, Alexandria, VA 22313-1450

<b>FEE TRANSMITTAL for FY 2005</b>		<i>Complete if Known</i>			
Patent fees are subject to annual revision.		Application Number	10/774,166		
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27.		Filing Date	February 6, 2004		
TOTAL AMOUNT OF PAYMENT (\$)		First Named Inventor	Brian S. Doyle		
		Examiner Name	Laura M. Schillinger		
		Art Unit	2813		
		Attorney Docket No.	42PTT362D		
<b>METHOD OF PAYMENT (check all that apply)</b>					
<input type="checkbox"/> Check <input type="checkbox"/> Credit card <input type="checkbox"/> Money Order <input type="checkbox"/> None <input type="checkbox"/> Other (please identify): _____					
<input checked="" type="checkbox"/> Deposit Account Deposit Account Number: <u>02-2666</u> Deposit Account Name: <u>Blakely, Sokoloff, Taylor &amp; Zafman LLP</u>					
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under 37 CFR §§ 1.16, 1.17, 1.18 and 1.20.					
<b>FEES CALCULATION</b>					
Large Entity		Small Entity			
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
Fee Description					
Fee Paid					
1051	130	2051	65	Surcharge - late filing fee or oath	
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet.	
2053	130	2053	130	Non-English specification	
1251	120	2251	60	Extension for reply within first month	
1252	450	2252	225	Extension for reply within second month	
1253	1,020	2253	510	Extension for reply within third month	
1254	1,590	2254	795	Extension for reply within fourth month	
1255	2,180	2255	1,080	Extension for reply within fifth month	
1401	500	2401	250	Notice of Appeal	
1402	500	2402	250	Filing a brief in support of an appeal	
1403	1,000	2403	500	Request for oral hearing	
1451	1,510	2451	1,510	Petition to institute a public use proceeding	
1460	130	2460	130	Petitions to the Commissioner	
1807	50	1807	50	Processing fee under 37 CFR 1.17(q)	
1806	180	1806	180	Submission of Information Disclosure Stmt	
1809	790	1809	395	Filing a submission after final rejection (37 CFR § 1.129(a))	
1810	790	2810	395	For each additional invention to be examined (37 CFR § 1.129(b))	
Other fee (specify) _____				SUBTOTAL (2) (\$)	

<b>SUBMITTED BY</b>		<i>Complete (if applicable)</i>		
Name (Print/Type)	Thinh V. Nguyen	Registration No. (Attorney/Agent)	42,034	Telephone (714) 557-3800
Signature		Date	05/10/05	

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<b>FEE TRANSMITTAL for FY 2005</b>		<i>Patent fees are subject to annual revision.</i>		<i>Complete if Known</i>	
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27.		Application Number Filing Date First Named Inventor Examiner Name Art Unit Attorney Docket No.		10/774,166 February 6, 2004 Brian S. Doyle Laura M. Schillinger 2813 42PTT362D	
TOTAL AMOUNT OF PAYMENT (\$)					
<b>METHOD OF PAYMENT (check all that apply)</b>					
<input type="checkbox"/> Check <input type="checkbox"/> Credit card <input type="checkbox"/> Money Order <input type="checkbox"/> None <input type="checkbox"/> Other (please identify): _____					
<input checked="" type="checkbox"/> Deposit Account Deposit Account Number: <u>02-2666</u> Deposit Account Name: <u>Blakely, Sokoloff, Taylor &amp; Zafman LLP</u>					
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<input checked="" type="checkbox"/> Charge any additional fee(s) or underpayment of fee(s) <input checked="" type="checkbox"/> Credit any overpayments					
<b>FEE CALCULATION</b>					
<b>Large Entity</b>		<b>Small Entity</b>			
Fee Code	Fee (\$)	Fee Code	Fee (\$)	Fee Description	
1051	130	2051	65	Surcharge - late filing fee or oath	
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1807	50	1807	50	Processing fee under 37 CFR 1.17(q)	
1808	180	1806	180	Submission of Information Disclosure Stmt	
1809	780	1809	395	Filing a submission after final rejection (37 CFR § 1.129(a))	
1810	790	2810	395	For each additional invention to be examined (37 CFR § 1.129(b))	
Other fee (specify) _____					
SUBTOTAL (2) (\$)					

<b>SUBMITTED BY</b>					
<i>Complete if applicable</i>					
Name (Print/Type)	Thinh V. Nguyen		Registration No. (Attorney/Agent)	42,034	Telephone (714) 557-3800
Signature				Date	05/10/05

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Appl. No. 10/774,166  
Amdt. Dated May 10, 2005  
Reply to Office action of April 28, 2005

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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Application. No. : 10/774,166 Confirmation No. 7314  
Applicant : Brian S. Doyle  
Filed : February 6, 2004  
TC/A.U. : 2813  
Examiner : Laura M. Schillinger  
  
Docket No. : 042390.P11362D  
Customer No. : 8791

Commissioner for Patents  
PO Box 1450  
Alexandria VA 22313-1450

**RESPONSE TO RESTRICTION REQUIREMENT**

Sir:

In the Office Action mailed April 28, 2005, the Examiner contends that Applicants claim two distinct species; namely, species 1 (claims 1-13) pertaining to a method including providing a first wafer, depositing an oxide, providing a second wafer, attaching the first and second wafers and heating, and species 2 (claims 20-25) pertaining to a method including forming a relaxed layer, a strained layer and an embitter region. Thus, pursuant to 35 U.S.C. 121, the Examiner requires Applicants to restrict the application to one of the alleged two inventions.

In compliance with 35 U.S.C. §121, Applicant elects species 1 (claims 1-13).

Appl. No. 10/774,166  
Amdt. Dated May 10, 2005  
Reply to Office action of April 28, 2005

### Conclusion

Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

Dated: May 10, 2005

By   
Thinh V. Nguyen  
Reg. No. 42,034  
Tel.: (714) 557-3800 (Pacific Coast)

12400 Wilshire Boulevard, Seventh Floor  
Los Angeles, California 90025

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Date: May 10, 2005

May 10, 2005



Date